

## Message Text

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PAGE 01 MANILA 13152 280318Z

22

ACTION EA-09

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 CIAE-00

INR-07 NSAE-00 OMB-01 /047 W

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R 280238Z AUG 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9560

INFO SECDEF WASHDC

CINCPAC

CINCPACREPPHIL

UNCLAS MANILA 13152

E.O. 11652: N/A

TAGS: MARR, US, RP

SUBJ: DIPLOMATIC NOTE ON CLARK OFF-BASE HOUSING SEARCHES

1. EMBASSY RECEIVED DIPLOMATIC NOTE FROM DFA LATE AFTERNOON OF AUGUST 27 ON WAIVER CLAUSE REPORTEDLY CONTAINED IN CLARK OFF-BASE HOUSING CONTRACTS. TEXT FOLLOWS:

2. BEGIN TEXT

THE DEPARTMENT OF FOREIGN AFFAIRS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE HONOR TO INVITE THE ATTENTION OF THE EMBASSY TO THE ARTICLE ENTITLED "DEPENDENTS HIT CLARK WAIVER" WHICH APPEARED IN THE TIMES JOURNAL OF 26 AUGUST 1976. IN THAT ARTICLE, IT IS STATED THAT "OFF-BASE RESIDENTS ARE REQUIRED BY CAB AUTHORITIES TO SIGN A WAIVER ON THEIR RIGHT TO ASSERT THE PHILIPPINE CONSTITUTION AS A BAR TO SEARCHES"; THAT THE WAIVER - WHICH READS, "THE LESSEE EXPRESSLY AGREES THAT THE PREMISES LEASED ARE SUBJECT TO THE LAWFUL SEARCHES BY USAF AUTHORITIES IN ACCORDANCE WITH AUTHORITIES ISSUED BY THE COMMANDER, CAB, UNDER THE PROVISIONS OF THE MANUAL FOR COURT MARTIAL, 1969 (REVISED EDITION) AND EXPRESSLY WAIVES ANY RIGHT TO ASSERT THE CONSTITUTION OF THE REPUBLIC OF THE PHILIP-

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PAGE 02 MANILA 13152 280318Z

PINES AS A BAR TO SUCH SEARCHES" (UNDERSCORING SUPPLIED) -

IS CONTAINED IN THE LEASE CONTRACT PREPARED FOR SERVICE-MEN BY THE CLARK AUTHORITIES; AND THAT THOSE AFFECTED ADVERSELY BY SUCH REQUIREMENT ARE THE FILIPINO DEPENDENTS OF AMERICAN MILITARY PERSONNEL LIVING OUTSIDE CLARK AIR BASE.

THE DEPARTMENT HEREBY PROTESTS AGAINST THIS ACT OF THE CLARK AIR BASE AUTHORITIES WHICH IS A DELIBERATE DEROGATION OF PHILIPPINE SOVEREIGNTY.

THE DEPARTMENT BELIEVES THIS ACT IS NOT ONLY PATENTLY CONTRARY TO PUBLIC POLICY BUT IS ALSO A GROSS VIOLATION OF THE RIGHT OF EVERY CITIZEN OF THIS COUNTRY TO PROTECT THE SANCTITY OF HIS HOME WHICH THE PHILIPPINE CONSTITUTION GUARANTEES. THIS ACT OF THE CAB AUTHORITIES IS NEITHER COMPREHENDED IN NOR CONTEMPLATED BY THE EXISTING R.P. - U.S. MILITARY BASES AGREEMENT. UNLESS IMMEDIATELY CORRECTED, THE DEPARTMENT STRONGLY BELIEVES THAT SUCH A REQUIREMENT IS A BRAZEN DISREGARD OF THE CONSTITUTIONAL RIGHTS OF FILIPINO CITIZENS. THE DEPARTMENT WISHES TO STRESS THAT AS THE PHILIPPINES RETAINS SOVEREIGNTY OVER THE AREA WITHIN THE U.S. MILITARY BASES, IT IS UNQUESTIONABLE THAT IT EXERCISES SUCH SOVEREIGNTY IN AREAS OUTSIDE SUCH BASES.

COMPLIMENTARY CLOSE. END TEXT.  
SULLIVAN

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** HOUSING, MILITARY BASE AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 28 AUG 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
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**Disposition Comment:**  
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**TAGS:** MARR, US, RP  
**To:** STATE  
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